



SUPERIOR COURT OF THE STATE OF
WASHINGTON
FOR CLARK COUNTY

GENERAL ORDER 22-02

**AMENDMENT OF EVICTION
RESOLUTION PILOT PROGRAM**

Adopted: February 1, 2022

Effective: February 1, 2022

Eviction Resolution Pilot Program (ERPP)¹

Effective February 1, 2022 through June 30, 2023² unless modified by the Court.

1. Findings.

- A. Findings from the previous ERPP standing order are incorporated by reference if consistent with this amended order. Evictions for non-payment of rent were permitted to resume as of November 1st, 2021. As a result, Clark Superior Court anticipates a significant increase in eviction cases and hearings.
- B. (1) Rental assistance programs are operational in this county and (2) the Dispute Resolution Center(s) (DRC) providing ERPP services are operational in this county. See: <https://mediationclarkcounty.org/>
- C. This court has determined it appropriate to issue this standing order pursuant to the Supreme Court General order to establish an Eviction Resolution Pilot Program (ERPP) to divert unlawful detainer cases from the docket and facilitate both pre-filing and post-filing resolution of cases where the principal issue in context is non-payment of rent.

¹ ERP changed to ERPP given language in ch. 115, Laws of 2021, Sec. 7.

² Per ch. 115, Laws of 2021, Sec. 7(9).

2. **Order.**

A. ERPP Administration.

The court designates that Judge David E. Gregerson will serve as the procedural point person to work with relevant stakeholders on the implementation and ongoing administration of the ERPP and such designation has been provided to the Administrative Office of the Courts.

B. Landlord/Landlord counsel's Obligations regarding Eviction Resolution.

Prior to commencing an Unlawful Detainer action, by either serving or filing a summons and complaint based on non-payment of rent, the landlord or landlord's counsel shall:

- (i) **Strictly comply with** the notice, service, and certification requirements of *RCW 59.18.660*;
- (ii) Meet and confer with the local DRC and the tenant and tenant's attorney (if applicable) to facilitate the resolution of the issue of nonpayment of rent if the tenant chooses to participate; and
- (iii) **At the time of filing a summons and complaint**, the landlord or landlord's counsel shall file a completed DRC Certificate ERPP Participation as a separate document with the court.

C. DRC Certification of ERPP.

The DRC shall complete and issue the DRC Certificate of ERPP Participation promptly, once the parties have completed their obligations under *RCW 59.18.620-660* and this standing order. For purposes of this order, the obligations referenced in this section are complete whether an agreed resolution is reached through ERPP or not. A copy of the completed DRC Certificate of ERPP Participation shall be provided to the Landlord upon completion as defined in this paragraph. The DRC may issue the DRC Certificate of ERPP Participation under protest and list the reason(s) for the protest. The local DRC may add relevant language to a DRC Certificate of ERPP Participation prior to its issuance to a landlord that details: whether rent assistance was available at the time of the engagement (*for example*, did the tenant qualify for rent assistance if known, and was rent assistance available in the relevant locality at this time); the date the DRC received the notice and the date on the notice, whether the tenant participated in ERPP efforts: whether the tenant had counsel during ERPP, whether the DRC was able to conduct conciliation efforts; and any other relevant information to help the court determine whether the matter is ripe for adjudication.

The ERPP Notice and Resource Form is available on the Court Website at:

<https://clark.wa.gov/clerk/forms>

D. DRC Reporting Obligations. On a quarterly basis, the local DRC shall provide, to the Court Administrator and the Judicial Officer designated in section (2)(A) of this order, the ERPP data/information required by *Ch. 115, Laws of 2021, Sec. 7 (b)-(f)*, in a useable and readable format.

E. Initial Hearing Procedures for Unlawful Detainer Cases.

- (i) At the first hearing, the Court will advise the tenant of their right to appointed counsel if indigent and inquire whether they wish to assert that right. If so, the court shall either appoint counsel or refer the tenant to Northwest Justice Project (NJP) or

another entity specified by OCLA to receive orders appointing counsel for eligibility screening (e.g., eviction defense screening line), unless counsel has previously been appointed for the tenant. If a tenant is referred for screening, the Court will continue the initial hearing as determined by the court to allow the litigant to contact assigned counsel and to appear with counsel and provide the court with a case status update or proceed to show cause hearing as determined by the court.

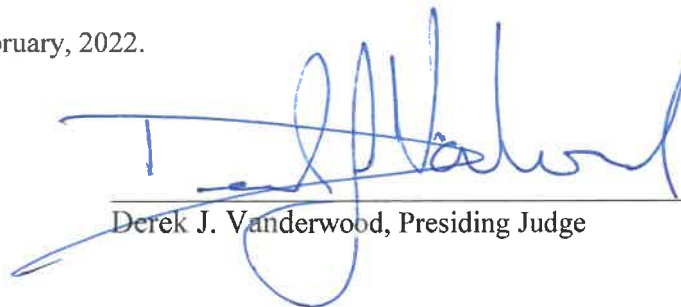
(ii) At the first hearing, the Court will determine: (a) whether the landlord has complied with the notice, service, participation, and certification filing requirements of *RCW 59.18.660*, and (b) whether the DRC Certificate of ERPP Participation complies with this Standing Order and *RCW 59.18.620-660* and/or *RCW 59.20*, and (c) whether a show cause hearing will proceed.

(iii) In non-payment of rent cases where a DRC Certificate of ERPP Participation was issued along with an agreement between the parties, the Court reserves its ability to enforce such agreements, including those that reached agreement on matters addressed by the rental agreement beyond nonpayment of rent, provided such agreements comply with *RCW 59.18* and/or *RCW 59.20*. The Court further reserves any lawful discretion to require the parties to return to the DRC to seek further resolution attempts.

F. Nothing within this order shall be construed to restrain the Court's ability to exercise lawful authority and discretion. All parties, litigants, attorneys, and agencies referenced within this order shall comply with all requirements as expressed within this standing order.

G. Superseding Effect. This order supersedes all prior standing orders issued with respect to the practice and procedure relating to the Eviction Resolution Pilot Program.

DATED this 1st day of February, 2022.



Derek J. Vanderwood, Presiding Judge